

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February, 3, 2004. In order to advance prosecution of this case, Applicants amend Claims 1, 3, 6, 9-11, 13, 15-19, 21-23, 25-28, 36, and 38. Applicants cancel Claims 8, 20, and 35 without prejudice or disclaimer. Applicants add new Claims 39-64, which are fully supported by the Application as originally filed. Applicants respectfully request reconsideration and favorable action in this case.

Allowed Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 16-19 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Applicants add new Claims 58-61 that include the limitations of original Claims 16-19 rewritten in independent form.

Claim Objections

The Examiner objects to Claims 3, 10, 18, 25-27, and 29 for various informalities and requests correction. Applicants amend Claims 3, 10, 18, 25-27, and 29 to address the Examiner's concerns.

Section 112 Rejections

The Examiner rejects Claims 1-12, 25-27, and 38 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Although Applicants respectfully traverse these rejections, Applicants amend Claims 1, 11, 25, and 38 to address the Examiner's concerns. Additionally, Applicants cancel Claim 8 without waiver or disclaimer, thereby obviating the Examiner's rejection of this claim.

Section 103 Rejections

The Examiner rejects Claims 1-3, 8-10, 12-15, 24, 28, and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,841,976 issued to Tai et al. ("Tai") in view of U.S. Patent No. 6,577,622 issued to Schuster et al. ("Schuster"). As amended, Claim 1 recites:

A first station for supporting a conference call with a plurality of other stations over a packet-switched network, the first station enabling a voice conference in response to a conference request signal received from each of the plurality of other stations, the first station comprising:

a storage medium having stored therein a plurality of programming modules including a means for conferencing and a means for establishing a communication channel, wherein:

said means for conferencing is operable to receive a conference request signal, and

said means for establishing a communication channel is operable to establish a communication channel between the first station and a second station in response to said means for conferencing receiving the conference request signal, the communication channel supporting voice communication over the packet-switched network; and

means for mixing input signals which mixes the signals received at the first station to produce a combined signal output which is played at said first station; and

means for transferring the communication channel between the first station and the second station to a third station by disconnecting the second station from the conference call and establishing a communication channel between the first station and the third station based upon a transfer signal transmitted by said second station.

Tai and Schuster, both alone and in combination, fail to disclose, teach, or suggest every element of amended Claim 1. Claim 1 recites "means for transferring the communication channel between the first station and the second station to a

third station by disconnecting the second station from the conference call and establishing a communication channel between the first station and the third station based upon a transfer signal transmitted by said second station." As the Examiner concedes, "the combined teaching of Tai et al. and Schuster fail to teach means/a transfer controller for transferring a communication channel between the first and second stations to a third station when the second station disconnects from the conference call, a transfer signal, a conference request signal, and a call-reference as recited in the claims." *Office Action*, p. 6.

The Examiner asserts that it would have been obvious to modify the teachings of Tai and Schuster to provide these elements. However, Applicants respectfully note that, to establish a prima facie case of obviousness, the Examiner must identify within the references some suggestion or motivation to modify the references. M.P.E.P. § 2143. Applicants respectfully assert that the Examiner provides no such suggestion or motivation. With respect to the proposed combination, the Examiner states only that:

[I]t would have been obvious to one skilled in the art to modify the combined teaching of Tai et al. and Schuster such that when the second station (the computer system 255 on the left hand side Fig. 2) disconnects from a conference call, the means of transferring/transfer controller (reads on instructions in memory 210 of Tai et al. col. 11, lines 36-45) of the first station (the first computer system 205, Fig. 2) in communication with the second station and the means for establishing a communication channel/channel establishment module (inherently included in the memory 210 of the first computer system 205, col. 11, lines 25-32 and 58-62, see also col. 4, lines 17-35) establishes a communication channel between the first station and

the third station (another computer system 255) based on a transfer signal provided by the second station in order to allow a participant at the second station to instruct a participant at the first station to call another person at the third station after he (the participant at the second station) disconnects from the conference call, for example, as part of an assignment resulted from the discussion during the conference call, wherein the instruction (the transfer signal) includes a person at the third station (a conference request signal designating the third station) and his name (a call-reference identifying the second station).

Office Action, p. 7.

These conclusory statements however identify no motivation or suggestion within the references to combine the references as required by M.P.E.P. § 2143 and amount to hindsight reconstruction of Claim 1. Thus, the proposed modification to the teachings of *Tai* and *Schuster* is improper. As a result, *Tai* and *Schuster*, both alone and in combination, fail to teach every element of amended Claim 1. Claim 1 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, amended Claims 25 and 28 include elements that, for reasons substantially similar to those described above with respect to Claim 1, are not disclosed, taught, or suggested by the cited references. As a result, Claims 25 and 28 are allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 25 and 28, and their respective dependents.

Additionally, although of differing scope from original Claim 5, amended Claim 13 includes element that were included in original Claim 5. Thus, rejection of Claim 13 and its dependents is addressed with respect to the Examiner's

rejection of original Claim 5 below. Applicants also cancel Claims 8 and 35 without waiver or disclaimer, thereby obviating the Examiner's rejection of these claims.

The Examiner rejects Claims 3, 15, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Tai* in view of *Schuster* and U.S. Patent No. 5,701,340 issued to Zwick ("Zwick"). Claims 3 and 29 depend from Claims 1 and 28, respectively, which have been shown above to be allowable. Claims 3 and 29 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 3 and 29 as noted above.

Claim 15 depends from amended Claim 13. Rejection of Claim 13 and its dependents is addressed below with respect to the Examiner's rejection of original Claim 5.

The Examiner rejects Claims 4-7, 20-23, and 30-34 under 35 U.S.C. § 103(a) as being unpatentable over *Tai* in view of *Schuster* and U.S. Patent No. 5,440,624 issued to Schoof, II ("Schoof"). Although Claim 13 differs in scope from original Claim 5, Claim 13 includes elements that were included in original Claim 5. Thus, the Examiner's rejection of Claim 5 is addressed with respect to amended Claim 13. As amended, Claim 13 recites:

A method for establishing a conference call at a first station with a plurality of stations over a packet-switched network, the method comprising the steps of:

receiving a first conference request signal at a first station from a second station;

determining whether the second station is authorized to establish a communication channel with the first station based on an identification code received by the first station, wherein the identification code uniquely identifies the second station; and

establishing a communication channel between the first station and a second station, if the second station is authorized to establish a communication channel with the first station.

Tai, Schuster, and Schoof, both alone and in combination, also fail to disclose, teach, or suggest every element of amended Claim 13. In rejecting original Claim 5, the Examiner states only that *Schoof* teaches a conference controller that authorizes a participant "by using a password or security code (an identification code, also since a valid call reference is not defined, therefore, it reads on the password/security value, e.g. 'conference 123,' which is used as a password/security code of a conference call) having a pre-designated association to the conference all [sic] and uniquely defining authorized participants (col. 7, lines 21-29 and 48-68)." *Office Action*, p. 12.

Schoof, however, does not disclose "determining . . . based on an identification code . . . [which] uniquely identifies the second station." *Schoof* discloses only that "the conference controller only allows authorized participants to enter a conference" and that "[i]n the preferred embodiment, authorization is by password or security code." Furthermore, although the Examiner has provided no support in *Schoof* for the Examiner's example, the Examiner's example nonetheless also fails to disclose this element as the Examiner's example "password/security value" does not uniquely identify the second station as recited by amended Claim 13.

Thus, *Tai, Schuster, and Schoof*, both alone and in combination, fail to disclose, teach, or suggest every element of amended Claim 13. Claim 13 is allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 13 and its dependents.

Additionally, Claims 4-7 and 30-34 depend from Claims 1 and 28, respectively, which have been shown above to be allowable. Claims 4-7 and 30-34 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 4-7 and 30-34.

Applicants cancel Claim 20 without waiver or disclaimer, thereby obviating the Examiner's rejection of this claim.

New Claims

Applicants add new Claims 39-64, which are fully supported by the Application as originally filed. Although of differing scope from Claim 1, new Claim 54 includes elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are not disclosed, taught, or suggested by the cited references. Thus, Claim 54 is allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 54 and its dependents.

Although of differing scope from Claim 13, new Claims 39, 45, and 57 include elements that, for reasons substantially similar to those discussed above with respect to Claim 13, are not disclosed, taught, or suggested by the cited references. Thus, Claims 39, 45, and 57 are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 39, 45, and 57 and their respective dependents.

As indicated above, new Claims 61-64 include elements of original Claims 16-19 which the Examiner indicated would be allowable if rewritten in independent form. Thus, new Claims 61-64 are allowable in accordance with the Examiner's indications. Applicants request consideration and full allowance of Claims 61-64.

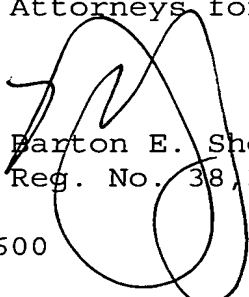
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of \$844.00 is enclosed to cover the fee for additional claims. No other fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Barton E. Showalter
Reg. No. 38,302

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6509

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CORRESPONDENCE ADDRESS:

Customer Number:

05073